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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 38-21(15678)C

First Inventor James D. Masucci

Title Plant Regulatory Sequences for Selective Control

Express Mail Label No. ER 166475852US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 87]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 2]
5. Oath or Declaration [Total Pages ]
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☒ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☒ paper
  - c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: 09, 846,903

Prior application information:

Examiner: Cynthia E. Collins

Group Art Unit: 1638

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion of the disclosure is omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

27161  
(Insert Customer Number or Bar Code Label here)

or ☐ Correspondence address below

Name	Forchisha M. Davis				
Address	Patent Department, E2NA, Monsanto Company				
	800 N. Lindbergh Boulevard				
City	St. Louis	State	Missouri	Zip Code	63167
Country	USA	Telephone	314-694-3151	Fax	314-694-9009

Name (Print/Type)	Forchisha M. Davis	Registration No. (Attorney/Agent)	48,371
Signature	Forchisha M. Davis	Date	09/11/03

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

03916 U.S. PTO  
10/660208  
09/11/03

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**  
**for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)

**Complete if Known**

Application Number	38-21(15678)C
Filing Date	
First Named Inventor	James D. Masucci
Examiner Name	To be assigned
Art Unit	To be assigned
Attorney Docket No.	38-21(15678)C

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:
 Deposit Account Number  
13-4125  
 Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	\$750
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ 750)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims		Fee from below		Fee Paid	
Total Claims	27	-20** =	7	X	18	=	126
Independent Claims	7	-3** =	4	X	84	=	320
Multiple Dependent					280	=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 446)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Forchisha M. Davis	Registration No. (Attorney/Agent)	48, 371	Telephone	314-694-3151
Signature	<i>Forchisha M. Davis</i>	Date	09/11/03		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

**James D. Masucci *et al.***

Appln. No.: To be assigned

Filed:

For: Plant Regulatory Sequences for  
Selective Control of Gene Expression

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 38-21(15678)C

I hereby verify this transmittal together with the patent application referred to below is being deposited  
with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10  
Express Mail Label No. ER 166475852US on the date indicated and is addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**Forchisha M. Davis**

Registration No. 48,371

Forchisha M. Davis Date: 9/11/03

**TRANSMITTAL OF DIVISIONAL PATENT APPLICATION**

***Mail Stop Box Patent Application***

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 C.F.R. §1.53(b) is the complete patent  
application of :

**Plant Regulatory Sequences For Selective Control Of Gene Expression**

Inventors: James D, Masucci  
Patrice Dubois  
Marianne Malven  
Timothy W. Conner

The following documents are forwarded herewith for appropriate action by the U.S.  
Patent and Trademark Office:

1. Utility Patent Application Transmittal (PTO/SB/05);
2. Form PTO/SB/17 (in duplicate);
3. U.S. Utility Patent Application entitled:  
**Plant Regulatory Sequences For Selective Control Of Gene Expression**  
and naming as inventors:  
James D. MASUCCI, Patrice DUBOIS, Marianne MALVEN, and Timothy W.  
CONNER  
the application consisting of:
  - a. A specification containing:
    - (i) 84 pages of a description prior to the claims;
    - (ii) 3 pages of claims (27 claims);
    - (iii) 2 pages of drawings, figures 1-2;
    - (iv) a one (1) page abstract;
4. One diskette containing the sequence listing information;
5. Combined declaration and Power of Attorney, executed by inventors James D. Masucci, Patrice Dubois, Marianne Malven, Timothy W. Conner (3 pages).
6. Cover Letter for declaration under CFR 1.63(d) (1) (iv);
7. Statement Regarding computer Readable Media for Sequence Listing;
8. One (1) return postcard.

It is respectfully requested that the one attached prepaid postcard be stamped with the filing date and unofficial application number and returned as soon as possible.

Respectfully submitted,

*Forchisha M. Davis*

Forchisha M. Davis (Reg. No. 48,371)

Enclosures

Date:

09/11/03

Patent Department, E2NA  
Monsanto Company  
800 N. Lindbergh Boulevard  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re applications of:

James D. Masucci et al.

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Cover Letter For Declaration**

The Attached application is a Divisional application of 09/846,903 under 37 CFR 1.53(b). Applicants request that the copy of the attached declaration be admitted under 37 CFR 1.63(a) (1) (iv).

on 09/11/03

Eorchisha M. Davis Reg No 48,371  
(Printed name of person signing this certificate)

Eorchisha M. Davis  
(Signature)